

GAYLYNN KIRN CONANT, State Bar No. 161247  
gkc@llcllp.com  
LOMBARDI, LOPER & CONANT, LLP  
Lake Merritt Plaza  
1999 Harrison Street, Suite 2600  
Oakland, CA 94612-3541  
Telephone: (510) 433-2600  
Facsimile: (510) 433-2699

Attorneys for Defendants

THE REGENTS OF THE UNIVERSITY OF  
CALIFORNIA, ROBERT BIRGENEAU,  
CONSTANCE PEPPERS CELAYA, ADAN  
TEJADA, VICTORIA HARRISON, ALLAN  
KOLLING, TOM KLATT and SUSAN VON  
SEEBURG

UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA

CHRISTINE CHANG, individually and as  
Guardian ad Litem for ERIC SUN,  
disabled,

Plaintiff,

v.

ROCKRIDGE MANOR  
CONDOMINIUM, et al.,

Defendants.

Case No. C-07-4005 EMC

**NOTICE OF MOTION OF DEFENDANTS  
THE REGENTS OF THE UNIVERSITY OF  
CALIFORNIA, ROBERT BIRGENEAU,  
CONSTANCE PEPPERS CELAYA, ADAN  
TEJADA, VICTORIA HARRISON,  
ALLAN KOLLING, TOM KLATT AND  
SUSAN VON SEEBURG IN SUPPORT OF  
MOTION TO DISMISS PURSUANT TO  
FRCP 12(b)(6) OR, IN THE  
ALTERNATIVE, MOTION FOR MORE  
DEFINITE STATEMENT [F.R.C.P. 12(e)]**

Date: November 28, 2007  
Time: 10:30 a.m.  
Courtroom: C  
Judge: Magistrate Judge Edward M. Chen

TO PLAINTIFFS IN PROPRIA PERSONA:

PLEASE TAKE NOTICE that defendants THE REGENTS OF THE UNIVERSITY OF  
CALIFORNIA, ROBERT BIRGENEAU, CONSTANCE PEPPERS CELAYA, ADAN  
TEJADA, VICTORIA HARRISON, ALLAN KOLLING, TOM KLATT and SUSAN VON

SEEBURG hereby move and will move the Court on the date, time and place set forth above to dismiss the complaint filed in this action pursuant to Federal Rule of Civil Procedure 12(b)(6) on the following grounds:

- The claims asserted against the University defendants are barred by the immunity afforded to state public entities and their officials by the Eleventh Amendment to the U.S. Constitution;
- The claims asserted against the University defendants are barred by the implied immunity afforded to public employees not otherwise immune by virtue of the Eleventh Amendment to the U.S. Constitution;
- Plaintiff's federal civil rights claim fails as no cognizable interest under §1983 has been identified and the vague, conclusory allegations of university participation in civil rights violations are insufficient to state a cause of action;
- The tort claims are barred by immunities available to the University defendants;
- The tort claims asserted are barred by the litigation privilege [California Civil Code §47(b);
- All causes of action asserted against the University defendants concerning the "pre-judgment conduct" are barred by the applicable statute of limitations;
- All causes of action asserted against the University defendants are without merit as plaintiffs' Complaint is devoid of facts sufficient to state a cause of action for any conceivable theory in any event.
- All causes of action are barred by the doctrine of res judicata;
- Christine Chang has no standing to represent plaintiff Eric Sun in propria persona.

In the alternative, moving defendants also move for an order requiring a more definite statement as defendants cannot be reasonably required to frame a responsive pleading to any of the causes of action alleged in the complaint pursuant to F.R.C.P. 12(e).

This Motion is based on this Notice and Motion, the Memorandum of Points and Authorities filed herewith, the Request for Judicial Notice, the pleadings and papers filed herein,

1 and on such other matters as may be brought to the attention of the Court and the parties at or  
2 before the hearing on this Motion.

3 Dated: October 17, 2007

LOMBARDI, LOPER & CONANT, LLP

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5 By: /s/ GayLynn Kirn Conant  
6 GAYLYNN KIRN CONANT  
7 Attorneys for Defendants  
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